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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,203	06/08/2000	Louis Paul Herzberg	13668(YOR9-2000-0348US1)	9980

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EXAMINER
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SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/590,203

Applicant(s)

HERZBERG ET AL.

Examiner

Annan Q. Shang

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. During a telephone interview conducted on 02/13/06, Applicant indicated that newly added claims 35 and 36 have not been treated on the merits in the last office action. In view of this the last office action is hereby vacated and withdrawn, and a new office action is hereby being issued, treating all claims.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the independent claims necessitated the new ground(s) rejection discussed below.

With respect to amended independent claims 1, 6, 11, 18, 25 and 29, applicant refers to page 6, line 6 to page 7, line 10 of specification and figures 1A and 1B of the drawings to illustrate tree formations and displays, as recited in the claimed limitations as "generating a display, on a computer display screen, of a tree having a plurality of nodes; and embedding in the nodes information about the video-on-demand services...." Applicant further discusses the teachings of **Reynolds et al (6,563,515)** and **Satterfield et al (6,564,378)** and argues that the 103(a) rejection as being unpatentable over Reynolds in view of Satterfield do not suggest any way to show the claimed limitations.

In response to applicant's remarks/arguments, Examiner is still maintaining the objections to the drawings, because the drawings do not convey to one of ordinary skill in the art a tree with a plurality of nodes..." as claimed. Furthermore the Reynolds

reference reads on the amended claimed limitations as discussed below. This office action is made final.

### ***Specification***

3. The disclosure is objected to because of the following informalities: The specifications fail to explicitly point out the claimed limitation, "generating a display, on a computer display screen, of a tree having a plurality of nodes; and embedding in the nodes information about the video-on-demand services...." Appropriate correction is required.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "generating a display, on a computer display screen, of a tree having a plurality of nodes; and embedding in the nodes information about the video-on-demand services..." must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-34 rejected under 35 U.S.C. 102(e) as being anticipated by **Reynolds et al (6,563,515)**.

As to claim 1, note the **Reynolds et al** reference figures 3 and 8-9, disclose program guide system and television program distribution system which provides a viewer may direct television program to simultaneously display a selected television

program, program guide and a program window and disclose a method of providing multilevel information about video-on-demand (VOD) services, comprising the steps of;

the claimed "providing a video-on-demand service system, where customers a multitude of customers are able to choose interactively various programs from a video-on-demand service provider and view a selected program at any time" is met by Main Facility (MF) 32 (fig. 3 and col. 5, lines 9-42), which provides VOD service system, where customers are able to choose interactively various programs stored in Storage Medium(s) at MF 32 or Television Distribution facilities (TV-DF) 36 and can view the selected programs (figs 8-9 and col. 45-col. 12, line 1+);

MF-32 or TV-DF 36 transmits the VOD-EPG in the form of a tree with plurality of nodes and information embedded in the nodes to Set Top Box (STB) 44 which further generates a display screen of the VOD-EPG in the form of a tree with plurality of nodes and information embedded in the nodes (col. 11, line 56-col. 12, line 15), note that STB 44, includes Storage Device 45, which storages video-on-demand program guide (VOD-PG) data and a processing circuitry that format video, audio and data signals received from television distribution facility 36 into a digital file format such as MPEG-2 standard and displays VOD-PG display 90 on Main Display Screen 72 "a computer display screen" VOD-PG Category 92 "a tree" that includes listing of VOD programs "a plurality of nodes" (col. 12, lines 41-65) and where information about VOD services are embedded in the listing, note that detailed information about a particular program, such as plot summary, actors, actresses, etc., may be available (col. 12, lines 47-55) by pressing information key 61 (fig. 4).

As to claims 2, 4 and 5, Reynolds further discloses where the embedding steps includes identifying a first and second catalog of a first and second group of aspects of VOD services, forming a matrix from the first and second groups and embedding detailed information of each program under a specific categories "nodes" (col. 12, lines 41-55), note that the VOD programs may be organized according to certain categories, such as "recent releases," "sitcoms," "action/adventure," "comedy," etc., which can be accessed by navigating Remote Control (RC) 50 to the desired category, note further that a matrix is formed from each category, such that each program listed in the list of programs in a given category includes, besides, the program title 94 (Bullworth), run-time of the program 96 and the rating 98 (TV-MA), a more detailed information embedded in the form of a matrix or matrices, which can be accessed by pressing the info key 61 on RC 50 on a selected program.

As to claim 3, Reynolds further discloses identifying categories of the VOD programs and inherently teaches each group of users of the VOD services (col. 12, lines 47-55).

As to claim 6, the claimed system is composed of the same structural elements that were discussed in the rejections of claim 1.

Claims 7, 9 and 10, are met as previously discussed with respect to claims 2, 4 and 5.

Claim 8 is met as previously discussed with respect to claim 3.

As to claim 11, the claimed storage device is composed of the same structural elements that were discussed in the rejections of claim 1.

Claims 12, 14 and 15, are met as previously discussed with respect to claims 2, 4 and 5.

Claim 13 is met as previously discussed with respect to claim 3.

As to claim 16, Reynolds further discloses where the tree is displayed top down (col. 12, lines 41-55), note that the root of the tree is Category 92, which is at the top and the listings of programs follows.

Claim 17 is met as previously discussed with respect to claim 1.

As to claims 18-22, note the **Reynolds et al** reference figures 3 and 8-9, disclose program guide system and television program distribution system which provides a viewer may direct television program to simultaneously display a selected television program, program guide and a program window and further disclose a method for representing interconnection of a plurality of elements of video-on-demand (VOD) system, wherein the VOD system enable customers to choose interactively various programs stored in a video source and enables customers to view a selected program at any time, the method comprising:

the claimed "providing a video-on-demand service system, where customers are able to choose interactively various programs stored in a view source..." is met by Main Facility (MF) 32 (fig. 3 and col. 5, lines 9-42), which provides VOD service system, where customers are able to choose interactively various programs stored in Storage Medium(s) at MF 32 or Television Distribution facilities (TV-DF) 36 and can view the selected programs (figs 8-9 and col. 45-col. 12, line 1+);



MF-32 or TV-DF 36 transmits the VOD-PG in the form of a tree with plurality of nodes and information embedded in the nodes to Set Top Box (STB) 44 which further provides a first catalog for a first subset of elements (fig. 3 and col. 11, line 56-col. 12, line 15), note that STB 44, includes Storage Device 45, which stores video-on-demand program guide (VOD-PG) data and a processing circuitry that format video, audio and data signals received from television distribution facility 36 into a digital file format such as MPEG-2 standard and displays VOD-PG display 90 on Main Display Screen 72, a VOD-PG Category 92 "a first catalog" that includes listing of VOD programs "first subset of elements" and other Categories, such as "recent releases," "sitcoms," "action/adventure," "comedy," etc., which can be accessed by navigating Remote Control (RC) 50 to the desired category and creates a matrix from the first and second groups and embedding detailed information of each program under a specific categories "nodes" (col. 12, lines 41-55), note that the VOD programs may be organized according to certain categories, such as "recent releases," "sitcoms," "action/adventure," "comedy," etc., which can be accessed by navigating Remote Control (RC) 50 to the desired category, note further that a matrix is formed from each category, such that each program listed in the list of programs in a given category includes, besides, the program title 94 (Bullworth), run-time of the program 96 and the rating 98 (TV-MA), a more detailed information embedded in the form of a matrix or matrices, which can be accessed by pressing the info key 61 on RC 50 on a selected program.

As to claim 23, Reynolds further employs a wizard within the software program of the STB to form a subset of elements within the Category (col. 12, line 66-col. 13,

line 22).

As to claim 24, the claimed article of manufacture is composed of the same structural elements that were discussed in the rejections of claim 18.

As to claim 25, the claimed architecture is composed of the same structural elements that were discussed in the rejections of claim 18.

As to claims 26 and 27, Reynolds further discloses where at least one VOD element is a catalog or category of VOD sub-elements and also peripherally related to VOD (col. 12, lines 31-51).

As to claim 28, Reynolds further discloses where the category elements only related to VOD includes an item from group including customer credit card (col. 14, lines 15-33), note that the user can order a program and furthermore an related or available information request by the user relating to VOD program is also displayed.

As to claim 29, the claimed method is composed of the same structural elements that were discussed in the rejections of claim 1.

As to claim 30, Reynolds further discloses VOD related entities such as VOD providers, such as 14 HBO, etc., (fig. 7).

Claim 31, is met as previous discussed with respect to claim 30.

As to claims 32 and 33, Reynolds further discloses were the VOD resources are groups of products and inventory information (col. 12, lines 31-51).

Claim 34 is met as previous discussed with respect to claim 2.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Reynolds et al (6,563,515)** in view of **Peters et al (6,374,336)**.

As to claims 35 and 36, Reynolds further teaches an intersection matrix representing various categories, but fails to explicitly teach different servers for each category.

However, note the **Peters** reference figures 1 and 5-7, discloses a computer system and process for transferring multiple streams of data stored on multiple storage units and further discloses a catalog manager, which stores on different storage unit different catalogs and transfers multiple streams of the catalogs accordingly (col.6, line 51-col.7, line 13, col.8, line 19-57 and col.11, line 56-col.12, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art the time of the invention to incorporate the teaching of Peters into the system of Reynolds to provide a plurality of storage for different catalogs to allow the distributor to access the storage with the shortest queue of requests and efficiently stream multiple or different catalogs simultaneously.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yurt et al (6,144,702) disclose audio and video transmission and receiving system.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



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